

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Writ Petition No. 190 of 2015

Date of Decision : August 11, 2015

Ranjit Yadav

.....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE GURMIT RAM

Present : Mr. Nandan Jindal, Advocate

Mr. A.S. Jattana, Additional Advocate General, Punjab.

T.P.S. MANN, J.

Petitioner-Ranjit Yadav, who stands convicted under Section 302 IPC in case FIR No.225 dated 1.12.2011, Police Station City, Sunam and presently confined in District Jail, Sangrur has filed the present writ petition under Article 226 of the Constitution read with Section 3(1)(d) and 2-A of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1988 with a prayer to release him on parole for four weeks so as to enable him to meet his family members and take care of them.

The case of the petitioner is that against his conviction and sentence, he has already filed an appeal which is lying admitted for final adjudication. He has already undergone a period of about four years of actual sentence. He applied for release on parole for four weeks by submitting necessary application before the Jail Superintendent. Alongwith the application, Panchayatnama was also appended. The jail authorities forwarded his case to the District Magistrate, Aarariya, Bihar but the District Magistrate rejected his parole case on 17.11.2014 on the ground that the Superintendent of Police, Aarariya had not recommended his parole case as he is a young boy and could indulge in wrongful activity, if released on

parole.

Upon notice, reply on behalf of respondents No.1 and 3, has been filed by the Superintendent, District Jail, Sangrur by way of his affidavit. It has been mentioned therein that the parole case of the petitioner was forwarded by the Jail Superintendent to District Magistrate, Aarariya for verification and recommendation. However, the District Magistrate did not recommend the parole case of the petitioner. It has also been stated that the District Magistrate, Aarariya has again been asked to provide a specific reason for not recommending the case of the petitioner in the light of the directions passed by this Court in Criminal Misc. No.M-34013 on 2009 and the revised report of the District Magistrate is still awaited.

On the last date of hearing, when the Court was informed that the revised report of the District Magistrate, Aarariya was still awaited, the hearing was adjourned for today and the State directed to take necessary steps for sending reminder to the District Magistrate, Aarariya for submitting the revised report. Pursuant to the same, reply by way of short affidavit of Superintendent, District Jail, Sangrur has been filed wherein it is mentioned that in view of the directions on the last date of hearing, the Jail Superintendent sent reminders to the District Magistrate, Aarariya. Ultimately, the District Magistrate, Aarariya sent the specific report whereby the parole case of the petitioner has not been recommended. Copy of the letter received from the District Magistrate, Aarariya has been appended with the short affidavit as Annexure R-1. The relevant portion of the same is reproduced here-in-below :-

"In reference to the above, it is requested that in the report of Superintendent of Police, Aarariya it is disclosed that

there is no adverse comment against the convict Ranjit Yadav s/o Janardhan Yadav, village Gopipur, Panchayat-Haripur Kala, Police Station Bhargama, District Aarariya Bihar in the Police Station record. There is no complaint against the above convict as per information derived from other sources. As the convict is young, nothing can be said about the convict whether he would indulge in wrongful activities or on after coming in parole. The Nepal is also adjoining where the convict may abscond.

Therefore, on the basis of letter of Superintendent of Police, Aarariya, the parole case of the convict is not recommended.

Encl. : Copy of letter record for
Superintendent of Police, Aarariya

Sd/-
District Magistrate
Aarariya (Bihar)"

After hearing learned counsel for the parties, this Court finds that the District Magistrate has, once again, applied his mind and taken a conscious decision in not recommending the parole case of the petitioner for the reason that the petitioner is young and nothing could be said as to whether he would indulge in wrongful activities. Further, Nepal is also adjoining where the petitioner may abscond.

In view of the above, no case is made out for granting relief as prayed for by the petitioner.

The petition is devoid of any merit and, therefore, dismissed.

(T.P.S. MANN)
JUDGE

(GURMIT RAM)

August 11, 2015
satish

JUDGE